

17439 U.S. PTO  
08/01/03

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| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><br><small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small> | Attorney Docket No. 045331/262602      |
|   | First Inventor Smith                   |
|   | Title A METHOD OF ISOLATING STEM CELLS |
|   | Express Mail Label No. EV 185285065 US |

ADDRESS TO: MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Clayton A. Smith, O. Michael Colvin, Robert W. Storms, Susan M. Ludeman

Assignee of this invention is Duke University

03917 U.S. PTO  
10/632377  
08/01/03

1. ☒ The Filing Fee has been calculated as shown below:
2. ☒ Applicant claims Small Entity Status. See 37 CFR 1.27.

|  |           | Small Entity |              | Large Entity |  |
|--|-----------|--------------|--------------|--------------|--|
|  | No. Filed | No. Extra    | Rate Fee 1   | Rate Fee 0   |  |
| BASIC FEE  |           |              | \$ 375       | \$ 0         |  |
| TOTAL CLAIMS:  | 12 - 20 = | 0            | X 9 = \$ 0   | x 18 = \$ 0  |  |
| INDEP CLAIMS:  | 3 - 3 =   | 0            | X 42 = \$ 0  | x 84 = \$ 0  |  |
| [ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED         |           |              | +140 = \$    | +280 = \$    |  |
| *If the difference in Column 1 is less than zero, enter "0" in Column 2. |           |              | TOTAL \$ 375 | TOTAL \$     |  |

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees) including any extension of time fees under 37 CFR § 1.136(a) that are required for consideration of papers filed during prosecution.
- ☒ A check in the amount of \$ 375.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 27
4. ☒ 6 Sheets of Drawing(s) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
  - b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
  - c. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper (\_\_\_ Pages)
  - d. ☐ Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☒ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☒ Power of Attorney
11. ☐ English Translation Document (*if applicable*)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
☐ Foreign Priority is claimed as Application No. , filed
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant **must** attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:  
☐ Continuation ☒ Divisional ☐ Continuation in Part (CIP)  
of prior Application No: 09/701,413; Filed February 20, 2001, which claims priority to PCT Appl. No. PCT/US99/28769, filed 12/7/99, which claims priority to U.S. Provisional Appl. No. 60/111,195, filed 12/7/98.

Prior Application Information: Examiner V. Afremova Group/Art Unit: 1651

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS** CUSTOMER NUMBER 00826

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Attorney of Record: W. Murray Spruill

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"Express Mail" mailing label number EV 185285065 US

Date of Deposit August 1, 2003

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Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Polly P. Burton  
Polly P. Burton RTA01/2140571v1

No new matter has been added by amendment. The Examiner is respectfully requested to enter the amendments prior to examination.

Respectfully submitted,

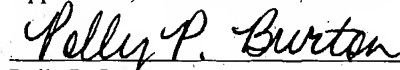


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Polly P. Burton